

1 Appellate Court then declared it, I guess, moot
2 because I had a right to sue, sent it back to the
3 District Court and then they were gonna set it up
4 for a hearing, then all of a sudden it was
5 dismissed, and ah--

6 Q By the District Court?

7 A District Court. And ah, I knew I could challenge it
8 because I had a right to sue and they dismissed it
9 on some grounds, I don't know what it was, but it
10 basically didn't even give me an opportunity, you
11 know to proceed, so but I had gotten my, ah at that
12 time I was receiving my doctorate degree in time
13 management, I had to focus on getting back to work.

14 Q So, how long did this ah -- how long did you pursue
15 this matter before you finally, before it was
16 dismissed and you went on, moved on?

17 A Oh, I probably spent a year because what you file,
18 you know what time, then it went into Appellate,
19 then came back and then, ah--

20 Q Did you do this all without an attorney?

21 A Yes.

22 Q And -- and, just because -- was there any purpose
23 behind this besides just this test case discussions
24 that you had had with this woman from the NAACP?

25 A I was um, just interested in, ah society and, ah the

1 fact that, ah I had children now half, you safe
2 color and then I was seeing things sort of like an
3 injustice and I thought I would ah -- I didn't wanna
4 take it to the court, I just, ah sort of just the
5 reaction of the Lakers sort of got me to take it to
6 the next step and soon at that point, like I say I
7 could have taken it further, but I had accomplished
8 what I needed to know for my own personal, I guess
9 and professional about race relations and sometimes
10 ah, they need to be tested and just checked on and
11 then you pull, you know go about your business.

12 Q If I can, ah to conclude sort of this, ah background
13 section here and then maybe we could take a break,
14 but I would like to, ah have you just summarize for
15 me then and if I have -- has there been any other
16 litigation that you have filed, and we don't need to
17 get into this NMC litigation, the various cases you
18 have filed here, but other litigation that you have
19 filed ah, that you have not told me about already?
20 And, just to recap, you told me about a job
21 complaint, you've told me about your um -- the TT
22 Government stuff, which is not really anything, the
23 NMPASI situation, your PSS Tinian High School
24 situation and now this Lakers race relations.

25 A I filed against the U.S. Army in 1996.

1 Q Okay, what was that for?

2 A I went to the recruiter ah, in Victorville nearing
3 the end of my doctorate because they advertised they
4 wanted people in computers and instructional
5 technology, et cetera? They offered them great
6 jobs? So, I went in and I tried to enlist and the
7 recruiter looked at me and said, you're a little bit
8 past 26 and I go, I know that. Have you ever had
9 anybody try to enlist after that and he goes, you
10 know ah, I want you to put in for enlistment, for
11 some reason he wanted it challenged so ah -- so I
12 put in for enlistment and, ah he wrote a colonel and
13 the colonel said, yeah, see what happens basically.
14 So they told me that the Secretary of the Army is a
15 guy name Toga, something like that? And they asked
16 me to enlist or challenge him on the age
17 discrimination and I filed and--

18 Q No, they required you to file? Did they deny you?

19 A Yeah, they denied me enlistment but then they said,
20 they just said we want -- because then I couldn't
21 agree yet, because it wasn't quite explained and I
22 guess it wasn't really challenged, you know who
23 would wanna join when they're 40, I was 48 at the
24 time? And I said I still can, you know if I passed
25 the quos, you know the -- and I was in pretty good

1 shape.

2 MR. SMITH: Uh-huh.

3 A So, the guys were...[unintelligible] because they
4 said they wanted older guys in it for experience and
5 what not, you know it was like corporation thinking
6 I guess and, ah -- and it wasn't quite clear to
7 them, so when I put it in, ah Washington wrote me,
8 because I just filed the complaint and I wrote a
9 letter saying it would be dropped if I just get an
10 answer, because I couldn't get an answer out of the
11 Army.

12 Q Where did you file?

13 A U.S. District Court.

14 Q L.A. again?

15 A Yeah.

16 MR. SMITH: Okay.

17 A And, they wrote back and he cited an attorney back
18 there and it was very clear or he made it very ah --
19 the way he wrote it was the fact that, ah there's
20 something about the uniforms. People are working
21 with uniforms, it was like a ah, not a loop hole,
22 but something that they could hang their hat on and
23 that was the only reason why, that they were
24 employed with uniforms and, ah so I took it back,
25 the enlistment and he goes, oh, I guess that's the

1 reason why you needed to know it, so I -- and then I
2 just dropped.

3 Q You just dismissed it yourself?

4 A Yeah.

5 Q Voluntarily dismissed?

6 A I let it, ah be dismissed.

7 Q Okay, ah did--

8 A Part--

9 MR. SMITH: Go ahead.

10 A Just -- yeah, part of it was after being let go at
11 PSS? Maybe my age and I just had a family and I was
12 -- I was hurt when I was removed from PSS at the
13 time? It made me I guess challenge labor laws and
14 things for, you know just to find out, you know
15 protect myself maybe and other people and so I had a
16 little time that I was doing this challenge, that
17 was about it.

18 Q Do you consider yourself an idealist?

19 A Ah yes and no. I know it can get you into trouble
20 and, ah I try to keep it to a point where I can be
21 practical? You have to have ideals, but you can't
22 let them dominate and, um--

23 Q You mentioned that, for instance you said for me and
24 for other people or for me and my children are gonna
25 be a, you know, or color or for society, you've sort

1 of used these terms....

2 A Yes.

3 Qas we've discussed things this morning, do you
4 feel like when you file litigation, that it's not
5 just, you're not doing it strictly for you, you're
6 doing it as an advocate for a group?

7 A I think at times, ah because they don't involve just
8 myself, it involves other people like, you know the
9 military because I talked to other, quite a few
10 other guys and a lot of people are out of work and
11 being in the Army was a good job in those days, so.
12 And, yeah, um partly? I don't mean to be the guy in
13 the front, you know the savior of the world because
14 sometimes you can make things, ah not good for other
15 people, you know like messing up, you know the soup
16 so I just try to get in, you know check on something
17 and at a point try to get out, not really harm
18 anybody? The only person I find at times maybe, ah
19 I have to watch is my family? You know like to
20 check on me, ah -- ah and that litigation is not a
21 fun time? Like even this case here, my family is
22 always asking, you know how do you feel, they're
23 supportive, we just are trying to get the thing, you
24 know finished or settled as soon as possible.

25 Q Um so -- okay, so in '96 we have this filed against

1 the U.S. Army, were there any other, any other
2 litigation that you've engaged and that weren't --
3 has not been discussed this morning? I'm talking
4 small claims, um.

5 A Well, you know small claims at NMC.

6 MR. SMITH: Right.

7 A So you're aware of that?

8 MR. SMITH: Right. No, anything, not with NMC unless
9 it was pre the year 1996.

10 A I'm trying to think, the Army and the Lakers and I
11 don't know if there was a spin off, I am not quite,
12 my recollection on ah--

13 Q A spin off of which one?

14 A I think it had to do with, ah my PSS case. I did a,
15 ah -- ah I think I did a filing against, um I think
16 it was against the EEOC?

17 Q What was that for?

18 A In -- they had, ah dropped my early PSS charge and I
19 asked for a reconsideration and they denied me a
20 reconsideration and then I went to my congressman in
21 California and they asked or advised me to ah -- to
22 ah, take it up another level and I think that's when
23 I, was it? I filed, ah against the EEOC.

24 Q In California?

25 A I believe, yeah, in California.

1 Q Who was your congressman?

2 A Well, he wasn't -- he wasn't -- I was living in the
3 area, I guess he represented ah, Congressman Jerry
4 Lewis.

5 Q Jerry Lewis. Whatever happened with that, where did
6 you file that at?

7 A It was dismissed. Ah it brought attention to my
8 case basically and I think that's what maybe got the
9 mediator out? Sometimes you have to do something,
10 you know sort of a--

11 Q Where was ah -- that mediator -- I'm sorry, where
12 was it filed though, you filed your case against the
13 EEOC in California District Court again?

14 A L.A.

15 Q U.S. L.A. District Court -- or U.S. District Court
16 in L.A.? And, then you dismissed that voluntarily
17 once your PSS case was resolved? Or it got
18 dismissed.

19 A I think it was dismissed because I was finding out
20 about law that, ah Government officials are quite,
21 like immune from a lawsuit? And, ah I ah, once they
22 dismissed -- but at the same time I was getting some
23 information from EEOC, so I believe I got what I
24 needed and so I just let it, ah -- ah just -- they
25 filed for a motion to dismiss, I think I didn't even

1 oppose it, basically I think I sent something, I
2 accepted it.

3 Q And, is that -- you were pro se in that as well?

4 A Yes.

5 Q Um you know it just struck me because I just
6 recalled an instance here where you sued, ah Judge
7 Castro, is that--

8 A Yeah, that was ah -- you handled that.

9 Q Right. Um, was that the PSS case? Or was that an
10 additional -- was that additional litigation?

11 A That was on ah, when I asked for documentation? It
12 was again the Open Government Act?

13 MR. SMITH: Okay.

14 A And PSS? And I wasn't given a documentation? So I
15 wrote um -- ah--

16 Q When was that, do you remember?

17 A '96? When I first got back?

18 MR. SMITH: Okay.

19 A But I was um -- the documentation, again I was not
20 given the documentation, but then I filed in haste,
21 not in haste, but I filed and again I got answers, I
22 got the documentation, but I ah -- you know it
23 served what I needed at the time.

24 Q Well, what um -- what happened to that case?

25 A It was dropped because I got the documentation if I

1 recall.

2 Q Where was that case filed, do you recall that?

3 A Wouldn't it be in Superior Court because it was Open
4 Government -- CNMI Open Government Act?

5 Q Okay, do you remember who you sued?

6 A It was, I believe PSS, ah and if I recall, I asked
7 for Open Government Act, was denied the documents,
8 filed in Superior Court and I was back in California
9 and it was dismissed. Then when I got back out
10 here, I filed again and I included the judge because
11 ah, at the time I was upset that he had dismissed it
12 without any, ah -- I didn't get the documentation,
13 so I refiled it and I included his name, then I was
14 informed that you don't include a judge, they're
15 immune, so then I dropped that, but then it got me
16 to the information I needed finally because I was
17 back on island.

18 Q Was that, both of those then, the original one was
19 in the Superior Court and then the subsequent one
20 was in the Superior Court? Or do you recall?

21 A I don't.

22 Q Okay, um do you recall any other litigation besides
23 what we have discussed here?

24 A ...[pause], um not at this time.

25 Q Okay, how about any administrative complaints that

1 were short of litigation, what we have discussed?

2 OFF/ON RECORD - Continued on Tape 2, Side A.

3 A ...about that suits that I filed--

4 MR. SMITH: Yes, and we'll do that so we can hear
5 about CUC briefly, but it is ah, September 30th, 2004,
6 this is the ah, resumption of the Jack Angello
7 deposition, Civil Action 03-0014, Jack Angello versus
8 NMC, we will continued this--

9 OFF/ON RECORD

10 MR. SMITH: Okay, um anyway, this is ah, the time is
11 now 1:52 p.m. and we are continuing this deposition with
12 questions to Mr. Angello about um, litigation that has
13 been filed and any other litigation other than what we
14 discussed about this morning. You mentioned something
15 about CUC, Mr. Angello? If you could elaborate?

16 A It was a ah, situation where my house ah, was in
17 harm's way with a faulty sewage ah, pump system and
18 I'd given warning to CUC and asked them to repair it
19 and then ah, eventually, um--

20 Q When did you give warning, when was that?

21 A 2002?

22 MR. SMITH: Okay.

23 A Initially, when I brought it up to ah, management
24 where I live, Joeten Housing, and ah, CUC and DEQ,
25 they said they fixed it, but it was off and on over

1 the past 18 months. It filled up the wetland behind
2 me ah, with some raw sewage, massive amounts
3 eventually and then they sealed it over and flood
4 waters then backed into my house with the sewage.
5 And then they came out and ah, capped the illegal
6 lines out into the wetland and then ah, diverted the
7 sewage away from some other homes, but it apparently
8 backfired into my house and two others. Mine was
9 completely ah, flooded with complete raw sewage,
10 about six inches of it. And, at that point, I had
11 DEQ, CRM, and Public Health write reports and issued
12 warnings to CUC and with those warnings I compiled a
13 complaint asking them to do a repair of the pump
14 station and repair my house. As we speak, they're
15 repairing the house and repairing the pump station.

16 Q Okay, but--

17 A So, it's being resolved as -- as of this time in a
18 ah, professional and--

19 Q What, did it get resolved only because you filed
20 suit?

21 A I didn't file suit.

22 MR. SMITH: Oh, you did not? Okay.

23 A No. I, like I always do, I always file or write and
24 letter and ask for ah, some type of action and for
25 just a -- you know, justifiable reasons. And if not

1 action, then of course, ah I would take it to the
2 next step, but ah, they're taking corrective
3 measures as we speak.

4 Q Okay, okay, so you do not expect to have to file
5 litigation there?

6 A I don't expect to.

7 Q Okay, was there anything else, any other
8 administrative complaints, grievances, anything else
9 that you can recall since we spoke this morning, ah
10 that you have filed for your rights or for the
11 rights of others?

12 A At this time, I can't recall. I ah, hope you
13 understand that because of this type of litigation,
14 ah you -- my memory is sometimes not quite as sharp
15 as when it's ah, in more of a relaxed state, but I
16 can't recall. Like I mentioned that time in L.A.?
17 And that was ah -- ah finished up and then out here
18 from '96, I was moved ah, going into retirement and,
19 of course, September 2002 changed that.

20 Q Okay, um in these areas, have you filed -- have you
21 sought attorney advise prior to ah, filing this
22 litigation? Or have you just....

23 A Yes.

24 Q done this on your own. You have. Um have
25 attorneys represented you in -- in these actions?

1 A They ah, explained, because of Labor issues? That
2 they're costly? And ah -- and that ah, they -- they
3 would ah, basically see what I was doing and ah, you
4 know just I filed because basically I had no money.
5 MR. SMITH: Okay.

6 A And, ah I couldn't expect to pay an attorney ah,
7 even up front to filing, you know things like that?
8 I'd go pro se and mostly I'd be out of work so I
9 could file in forma pauperis and ah, I've been
10 fortunate though in the NMC situation that I've had
11 Mr. Aguilar come in as pro bono.

12 Q Okay, um with ah -- with the drafting of documents,
13 have you done all of these complaints? You drafted
14 them yourselves -- yourself?

15 A I drafted them myself and had ah, attorney friends
16 of mine read them.

17 MR. SMITH: Okay.

18 A And ah, offer advise and also offer advise ah, when
19 not to file and when not to do, so.

20 Q Have you ever had people advise you not to file?

21 A Um, to tell you the truth? No.

22 Q Okay, so you filed -- in every instance when you
23 have prepared, you have proceeded?

24 A When I haven't received any response to ah, written
25 letters or requests, I've always asked PSS, I asked

1 for a hearing through the administrative process and
2 was denied? So, ah NMC? I asked for a hearing and
3 they said I was not an employee anymore, so. Ah,
4 it's basically, if I don't get a hearing
5 administratively, ah and satisfactory, ah then I,
6 you know take it to the next level.

7 Q Okay. Um, do you recall September 24th, 2002?

8 A Yes, very.

9 Q Okay, that is the date of your termination from NMC,
10 is that correct?

11 A Date of I was given notice.

12 Q Okay, um since that date, what positions have you
13 held? What employment have you held since that
14 date?

15 A Um from September 24th through November 26th? Um I
16 was still being paid by NMC, although....

17 MR. SMITH: Okay.

18 Athe notice stated that I be off campus.

19 MR. SMITH: Okay.

20 A Ah from November 26th -- well, from September 24th, ah
21 technically I was unemployed, but I was being paid,
22 but I ah, did not work until February 1st, 2004.

23 Q Okay, and where did you work February 1st, 2004?

24 A I was hired by the Attorney General's Office as a
25 public intern in the criminal division and civil

1 division.

2 Q Okay, and are you currently employed there?

3 A Yes, sir.

4 Q Okay, um since ah, your termination in September 20

5 -- ah 24th, 2002, or your notice of termination, um

6 have you applied for any positions at NMC?

7 A Yes.

8 Q What positions have you applied for?

9 A President. Vice President. Dean positions.

10 Trades--

11 Q Can you say which -- which dean positions?

12 A Dean of Academic ah, Programs, Dean of Student

13 Services, Director of ah, Public Marketing, I

14 believe, Director of ah, Institutional

15 Effectiveness, ah Director of the School of

16 Education, College Lab School Principal, Lab School

17 Vice Principal or Assistant Principal, the ah,

18 Procurement & Supply Specialist, Bookstore Manager,

19 Assistant Bookstore Manager, um Public Information

20 Officer. Um there are approximately 16, I don't

21 know if I skipped.

22 Q Sixteen? You've applied for 16 different--

23 A I've been certified qualified in ah -- eligible in

24 these, all these positions that I mentioned. Over

25 16.

1 Q Who qualified you?

2 A NMC Human Resources Office.

3 Q Okay, how is that qualification done?

4 A By applying, submitting the -- all the documents for
5 an open job vacancy. Having Human Resources
6 evaluate your application for years education and
7 years experience and compare it to the ah,
8 qualifications required for the position and then
9 you're given a letter that you're eligible or not
10 eligible.

11 Q Okay, um who ah -- were these funded positions that
12 you ah....

13 A Yes.

14 Qwere applying for? Every one of the 16?

15 A Ah yes.

16 Q Are there currently people working in those
17 positions that you're aware of?

18 A Ah yes. Ah, although as of February 2004, there was
19 a Board directive that ah, changed the ah -- changed
20 some of the policies of ah, you know having
21 positions be open. However, the -- from the job
22 vacancy and Board policy to advertise them, normally
23 they have to be funded before you can ah, advertise
24 for them, although some have caveats in that they
25 are possibly not funded, I don't know, but they keep

1 changing.

2 Q All the 16 though were advertised and were funded,
3 the ones that you applied for?

4 A And they're all filled.

5 Q Okay, all funded, all advertised. Um, were you--

6 A Except for maybe, I don't know if marketing was
7 filled?

8 MR. SMITH: Okay.

9 A There maybe one in there, marketing something that
10 was not filled.

11 Q Okay. Did you -- were you qualified -- ah you were
12 qualified from HR for all of these positions? You
13 said all 16?

14 A Yes.

15 Q Were you made an offer on any of these positions?
16 Given an offer of--

17 A No.

18 Q Okay, were you denied, what -- what happened to
19 these applications?

20 A I received letters after interviews saying thank you
21 for interviewing, ah your qualifications are okay,
22 blah-blah-blah, and we'll keep you on record ah, and
23 we picked someone else for that position.

24 Q Okay, um and that -- that is this -- that has
25 happened with each one of these positions?

1 A Yes.

2 Q Okay. Do you know, ah--

3 A Except for the School of Education which has gone on
4 and on, they haven't filled that position yet.

5 MR. SMITH: Okay.

6 A I believe it's still an acting.

7 Q Okay, do you um, have an opinion as to why you were
8 rejected? Or why you did not receive these jobs?

9 A I believe it's a ah, form of retaliation against ah,
10 my pending lawsuit and the fact that ah, you,
11 yourself, mentioned that the Board considers myself
12 disloyal to the college by filing a litigation.

13 Q Okay, um what makes you believe that?

14 A Believe?

15 MR. SMITH: That this is retaliation.

16 A From the standpoint of ah, with my educational
17 background ah, which is a plus, my work experience,
18 and the fact that the Attorney General's Office
19 hired me as ah, public intern and within six months
20 they promoted me to paralegal and they ah, have
21 watched my work ethic and they see that I do perform
22 and ah, I believe in my work ethic ah, so I try to
23 establish why would somebody not hire me and ah, I
24 try to be objective as much as possible and I know
25 my past experience ah, is a benefit for a company or

1 a government agency. So, the only thing I can come
2 to is that they ah, don't want me there for reasons
3 of ah, that I would probably sue them and ah, so
4 it's a conundrum or some type of ah, thing that they
5 terminated me and I'm challenging it, and I have a
6 right to challenge it, and now I think it's being
7 used against me.

8 Q Um, do you know if you are more qualified than the
9 people that ended up filling these positions?

10 A Um I would -- yeah, some I reviewed the ah -- ah job
11 qualifications? Like the Bookstore Manager? Um I've
12 had ah, 10 equivalency from my past experience in
13 private sector in sales, marketing, and the person
14 they picked ah, I think, um from what I can gather
15 on her qualifications list she didn't even meet the
16 minimum requirement ah, which ah, I will point out
17 later, and the fact that it asked for three years, I
18 believe, of some experience, she had only two and I
19 was up in the 10 to 12 range, so ah -- ah I would
20 say she's a capable person, I don't want to belittle
21 her, but I would say that I'd be more qualified ah,
22 in that particular instance.

23 Q Can you, just in your opinion, tell me what you
24 believe are the core criteria for ah, being selected
25 as -- in your mind, what are the -- what are the

1 points that people should look at the very most, how
2 do you -- if you are interviewing for -- for an
3 employment position?

4 A Oh, it's educational background, work experience, ah
5 being able to work with other people, teamwork, ah--

6 Q Hold on one sec, educational, okay? Educational
7 experience, work experience, working with others,
8 what else?

9 A Um, attitude towards management.

10 Q What do you mean by that?

11 A Well, they ask if you're -- you know, what's your
12 weaknesses or your strengths and how well do you get
13 along with ah, being supervised and ah -- ah work
14 product I believe. You know what can you do to make
15 the company or the agency ah, a better, you know
16 your department or division a better division or
17 department.

18 Q Okay. Um, there's one other area, background that
19 I'd like to just -- we pretty much touched on this,
20 but this is the EEOC charges. Um, you have filed --
21 how many times have you filed EEOC charges against
22 the college, do you recall?

23 A I filed an EEOC charge in 1998 or 1999 against
24 Barbara Moyer (ph.) and NMC and after I filed, ah
25 EEOC contacted me and asked me the status before

1 they would take the next step, but in the meanwhile
2 ah, I met with ah, the president at that time and
3 she -- we both agreed to get it settled in a
4 management manner and we did with ah -- ah she asked
5 me what I wanted done, I said I would like to have
6 ah -- ah the vocational department, like more
7 supported, I wanted Barbara Moyer to go through
8 sexual harassment training and ah, that was agreed
9 upon? Ah and then I think there was a salary matter
10 that ah, they overlooked and, on top of it, they
11 gave me extra ah, step in salary that was
12 overlooked.

13 So, at that point, I felt it was satisfactory
14 that um, this person ah, say a supervisor as a -- at
15 the time was a Dean above me? And next was the VP,
16 but I felt that she was ah, properly ah -- ah like
17 ah, approached that this was a problem and it should
18 be ah, looked at and corrected? And then at that
19 point ah, I asked for no retaliation and ah, the
20 vocational department be supported and I then wrote
21 EEOC that ah -- and I gave them a copy of that
22 agreement? And I said that ah, I want this charge
23 to be ah, dismissed and they wrote back saying,
24 we'll dismiss it, but we'll make sure that ah, there
25 are certain parts EEOC were gonna follow, like no

1 retaliation, et cetera, et cetera and the charge was
2 ah, dismissed.

3 2002? Ah March? After the file TV program was
4 denied being put on the calendar? Or the semester
5 ah -- ah course....

6 Q Schedule?

7 A advertisement schedule? And which is, it's been
8 recorded I think from the start of the year 2000,
9 maybe in 1999? Um we were removed at the last
10 minute and -- and again it was ah, through the -- ah
11 Barbara Moyer in her Vice President's position, so
12 at that time I asked for -- well, the Board asked
13 me, Abby Cing for -- to find out what's the story
14 and ah, I wanted to find out what the problem was,
15 we called a meeting with Mr. Wolfe and Ed Camacho
16 was my Dean at the time and Barbara Moyer and ah --
17 ah there were no shows and no explanation why? So,
18 at that point I figured that I had to refile and,
19 again, I asked ah, why there was no support, why the
20 ah, program was again pulled off the ah, schedule
21 after it was promised? Um we had a letter to the
22 effect? It was I believe addressed to Mr. Wolfe?
23 That I asked -- in fact he was in L.A., that it
24 would be on the schedule of, I believe the year 2000
25 ah, Fall and ah so, being taken off the schedule, I

1 ah -- ah, of course, wanted to find out why and
2 correct the situation and so then in the year of
3 2001 I filed a grievance and another EEO complaint
4 and ah, notified ah, EEOC that I was going through
5 the State EEO and it would also be a reopening of
6 the previous?

7 Q This is the one from '98?

8 A '99, yeah.

9 Q Or '99, the Barbara Moyer one--

10 A Yeah, because it was the same person involved and
11 ah, I ah, filed, like I say, March of ah, 2001. In
12 June, I asked what was the status because there was
13 no reply and then ah, in July I asked again about
14 the status and I believe in the Fall ah, at that
15 point...[pause], let's see that would be 2001?
16 Well, the program started in the Spring of 2001, so
17 we were ah -- ah I take it back, it would be in
18 2002, the first semester.

19 MR. SMITH: Okay, we'll go into that, specifically
20 we'll figure that out.

21 A Yeah. Yeah, 2001 we went -- yeah, from March 3rd or
22 March 9th, whenever when I filed a grievance EEO,
23 July I asked for you know, help and then ah, July --
24 or June, July, nothing was coming so I ah, contacted
25 ah, Mr. Arriola in the Fall and he said he would

1 give me some assistance.

2 Q Who's that?

3 A Joey Arriola? The attorney?

4 MR. SMITH: Okay.

5 A And he also wrote a letter for ah, Mr. Wolfe, I
6 believe? Um because he was being denied a chance to
7 get the program even though he had a lease agreement
8 so we met with Jack Sablan in the Fall of ah, 2001
9 and at that point ah, the president ah, said he
10 wanted to go forward with the program and gave us a
11 timetable to start it in the Spring of 2002 and we
12 did start ah, 2002.

13 So, at that point, um I still had the grievance
14 on file, I had not removed, pulled it out, ah--

15 Q That's the EEOC, it was on file with the EEOC?

16 A It was at the State level, I mean our EEO officer.

17 MR. SMITH: Okay, okay.

18 A Because there was an agreement after the '99 case,
19 the Governor sent out a directive saying that we
20 made an agreement with the EEOC that the first stage
21 would be, you know State level and then after the
22 State level, if you're not satisfied, you go to the
23 federal level.

24 MR. SMITH: Okay.

25 A But you notify them, so I was taking those steps and

1 then ah, so in August or um, in about May or June of
2 2002, when I applied for the president's job when it
3 as opened and I was denied an interview, ah I ah,
4 contested that because I -- they said I had -- did
5 not have three years of post secondary teaching or
6 five years.

7 MR. SMITH: Okay.

8 A And I did have that amount of years, so I knew I had
9 the grievance still there in the ah -- ah and
10 Barbara Moyer at that point was the interim
11 president, so again, there was retaliation, the fact
12 that ah, my request for an interview or being
13 eligible for the president's job was denied and I
14 know the president's office works closely with Human
15 Resources, they pretty much dictate what goes on, so
16 I revived -- no, I didn't revive, but I brought up
17 the issue that this grievance was still there and
18 they wrote back saying that they had already taken
19 care of it, but I had no notice of what they had
20 done, so--

21 Q This was the EEOC wrote back?

22 A Ah no, Vince Merfalen (ph.)?

23 MR. SMITH: Oh, okay, okay.

24 A As the Board representative, he said according to
25 ah, whoever at the time, it was something about --

1 maybe that was 2001, but they said it was ah, taken
2 care of and it wasn't. Ah I still had a pending
3 grievance and I wanted it heard, um from the
4 standpoint of the support of the programs? And also
5 this president thing? I also was denied interview
6 for being a Dean that Jack Sablan picked up and they
7 said that I had no ah, post secondary, you know not
8 enough, which I did have.

9 So, it turned into ah, that President Wright
10 came on board and at that point I asked Mr. Aguilar
11 to help and he wrote a letter, then I was granted a
12 hearing on August 27th finally for that grievance in
13 March of ah....

14 Q 2001?

15 A2001 and ah, that would be it, from the
16 standpoint of ah, that grievance in EEO was to be
17 heard on the 27th, but we agreed to postpone that to,
18 you know resolve it in a management level with the
19 new president? And I met with the president ah,
20 September 3rd or 4th, something like that? We talked
21 about vocational programs, he asked me to go find
22 money and I went out and found money from the Lt.
23 Governor's Office, 25,000? Brought it back on the
24 morning of the 24th and that same morning I received
25 a ah, termination notice and then at that point, ah

1 again, we requested a hearing um, for that 3000 --
2 or 2001 and then later we added a second grievance
3 on the termination which was--

4 Q Okay, so then there was a subsequent filing with the
5 EEOC--

6 A Yeah, because the grievances are either non-
7 termination or termination. Ah there are two
8 different Board policies.

9 Q Okay, so if I've got down my -- if I followed you
10 correctly, you filed four EEOC grievances against
11 the college?

12 A 1999 was an EEOC -- first a grievance and nothing
13 was done, so I filed an EEOC. 2001 was a combine
14 grievance-EEO and then ah, the follow up would be
15 just--

16 Q The presidential hire one, right?

17 A Yeah. That was strictly a grievance based on the
18 fact of retaliation because Barbara Moyer was the
19 interim president.

20 Q Interim president, okay and then the 2002, after
21 your termination?

22 A Would be ah, strictly grievance.

23 Q Okay, that means -- when you say that, you mean
24 State level?

25 A Yeah.

1 Q Okay, um how about any other EEOC complaints?

2 A But after that, when the hearing decision came out
3 that, one, I was no longer an employer because they
4 scheduled it two days after my last paycheck which I
5 thought was interesting and, two, they said ah, I
6 would not get a hearing because the president
7 rightfully terminated me without cause which, again,
8 I thought was strange that I could -- for cause said
9 I could get a hearing, but they said I couldn't
10 because he terminated me without cause. At that
11 point, ah I filed with the EEOC?

12 Q This was 2002?

13 A It would be late 2002 or early 2003.

14 MR. SMITH: Okay.

15 A And I also filed with the Civil Service Commission.

16 Q Okay, have you filed any um, other EEOC complaints
17 besides ah, these against NMC?

18 A PSS.

19 MR. SMITH: PSS.

20 A Which I talked about earlier.

21 Q Okay, that EEOC with PSS, um any others besides
22 those?

23 A Yeah, like earlier I mentioned the Lakers.

24 Q That was EEOC, too?

25 A Yes.

1 Q Okay. Um, that's it though? PSS, Lakers, NMC?

2 A I think the Army was age discrimination, that was
3 EEOC.

4 Q That was EEOC, too, okay. Okay, um--

5 A And I did file ah, recently? Um it would be 2004?
6 Early 2004?

7 Q For?

8 A Since the School of Education directorship ah, kept
9 being postponed, postponed, I filed a ah, separate
10 EEOC charge, I think in late 2003, early 2004.

11 Q Okay, and what was the basis of that?

12 A Retaliation.

13 Q That it was being postponed just--

14 A Yeah, it was ah, first they were ah--

15 Q The -- them not selecting you and continuing to
16 postpone it, is that what you're referring to?

17 A Yes.

18 Q Okay. Not filling basically. Okay, I wanna go to
19 your first um, just briefly since we're touching on
20 this? I'm gonna show you what um, I guess we can
21 mark it as an exhibit, I'll make a copy of this, but
22 I'll mark as Exhibit A for this deposition, is this
23 -- is this your first EEOC complaint? Or -- or
24 your....

25 A Yes.